

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804

This document relates to:
*All MDL Tribal Cases (other than the Tribal
Bellwether Cases)*

Hon. Dan Aaron Polster

**DISTRIBUTORS' OPPOSITION TO
PLAINTIFFS' TRIBAL LEADERSHIP COMMITTEE'S MOTION
TO EXTEND DEADLINE FOR TRIBES TO FILE SHORT FORM COMPLAINTS**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, "Distributors") respectfully submit that there is no reason the Tribal Plaintiffs should require more time to file short-form complaints than the other plaintiffs. The Court provided an extension until March 16 so that plaintiffs could make use of the ARCOS data to add or remove defendants. The Tribal Plaintiffs offer no explanation why they could not do that by March 16 (or why they waited until March 14 to say they could not). They suggest they need more time because "the Tribal Bellwether Complaints are more appropriate for incorporation by reference by Tribal Plaintiffs than those in the *Summit County* Complaint." Motion at 2. Be that as it may, incorporation by reference is a simple process, and it should only serve to lessen, not add to, the time needed by the Tribal Plaintiffs. In no event does mere incorporation by reference of other allegations require **60** days.

The Court should deny the motion.

Dated: March 19, 2019

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnicholas@reedsmith.com
smcclure@reedsmith.com

Counsel for AmerisourceBergen Drug Corporation

Respectfully submitted,

/s/ Enu Mainigi

Enu Mainigi
F. Lane Heard III
Steven M. Pyser
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com
lheard@wc.com
spyser@wc.com
ahardin@wc.com

Counsel for Cardinal Health, Inc.

/s/ Geoffrey Hobart

Geoffrey Hobart
Mark Lynch
Christian J. Pistilli
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street N.W.
Washington, DC 20001
Tel: (202) 662-5281
ghobart@cov.com
mlynch@cov.com
cpistilli@cov.com

Counsel for McKesson Corporation

CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
Ashley W. Hardin